

EXHIBIT 128

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES, et al. §
 §
VS. § NO. 1:23-cv-00108-LMB-JFA
 §
GOOGLE, LLC §

ORAL AND VIDEOTAPED DEPOSITION OF BO BRADBURY
SEPTEMBER 8, 2023
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ORAL AND VIDEOTAPED DEPOSITION OF BO BRADBURY,
produced as a witness at the instance of the Defendant and
duly sworn, was taken in the above styled and numbered
cause on Friday, September 8, 2023, from 9:39 a.m. to 4:56
p.m., before Janalyn Elkins, CSR, in and for the State of
Texas, reported by computerized stenotype machine, at the
JW Marriott, 112 E. 2nd Street, Austin, Texas, pursuant to
the Federal Rules of Civil Procedure and any provisions
stated on the record herein.

Job No. CS6091854


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<div>1APPEARANCES</div> <div>2</div> <div>3FOR THE PLAINTIFF:</div> <div>4KATHERINE E. CLEMONS</div> <div>5ISABEL AGNEW</div> <div>6U.S. DEPARTMENT OF JUSTICE, ANTITRUST DIVISION</div> <div>7450 Fifth Street, NW, Suite 7000</div> <div>8Washington, DC 20530</div> <div>9Tel: (202) 598-2372</div> <div>10Katherine.Clemons@usdoj.gov</div> <div>11Isabel.agnew@usdoj.gov</div> <div>12</div> <div>13FOR THE DEFENDANT:</div> <div>14LAUREN KAPLIN</div> <div>15LIJUN ZHANG</div> <div>16FRESHFIELDS</div> <div>17700 13th Street, NW, 10th Floor</div> <div>18Washington, DC 20005</div> <div>19Tel: (202) 777-4518</div> <div>20lauren.kaplin@freshfields.com</div> <div>21Lijun.zhang@freshfields.com</div> <div>22</div> <div>23FOR THE WITNESS:</div> <div>24NIALL LYNCH</div> <div>25LATHAM & WATKINS</div> <div>505 Montgomery Street, Suite 2000</div> <div>San Francisco, California 94111</div> <div>Tel: (415) 391-0600</div> <div>niall.lynych@lw.com</div> <div>Also Present:</div> <div>PETER ZIERLEIN</div> <div>KAILEN MALLOY</div>	<div>1THE REPORTER: Mr. Lynch, are you going to</div> <div>2want a copy?</div> <div>3MR. LYNCH: Yes.</div> <div>4THE REPORTER: And do you want a rough</div> <div>5draft and real time?</div> <div>6MR. LYNCH: Whatever everyone else is</div> <div>7getting.</div> <div>8THE REPORTER: And Ms. Clemons, do you want</div> <div>9an expedite?</div> <div>10MS. CLEMONS: Yes.</div> <div>11VIDEOGRAPHER: Here begins the deposition</div> <div>12of Bo Bradbury. Today's date is September 8, 2023. The</div> <div>13time is 9:40 a.m. Will counsel please identify</div> <div>14themselves for the record, after which the court</div> <div>15reporter will swear in the witness.</div> <div>16MS. KAPLIN: Lauren Kaplin here with</div> <div>17Freshfields on behalf of Google.</div> <div>18MR. ZHANG: Lijun Zhang with Freshfields on</div> <div>19behalf of Google.</div> <div>20MR. LYNCH: Niall --</div> <div>21MS. BOSCO: Sorry, I'm on Zoom here, but</div> <div>22Veronica Bosco, also from Freshfields on behalf of</div> <div>23Google.</div> <div>24MR. LYNCH: Niall Lynch from Latham &</div> <div>25Watkins on behalf of Omnicom and the witness Bo Bradley.</div>																																				
<div>1INDEX</div> <div>2PAGE</div> <div>3</div> <div>4Appearances 2</div> <div>5Stipulations 5</div> <div>6BO BRADBURY</div> <div>7Examination by Ms. Kaplin 5</div> <div>8Examination by Ms. Clemons 99</div> <div>9Further Examination by Ms. Kaplin 200</div> <div>10Further Examination by Ms. Clemons..... 209</div> <div>11</div> <div>12Signature and Changes..... 214</div> <div>13Reporter's Certificate..... 216</div> <div>14</div> <div>15EXHIBITS</div> <div>16</div> <table><tr><td>NO.</td><td>DESCRIPTION</td><td>PAGE</td></tr><tr><td>Exhibit 1</td><td>Email</td><td>34</td></tr><tr><td>Exhibit 2</td><td>Email</td><td>62</td></tr><tr><td>Exhibit 3</td><td>Email</td><td>76</td></tr><tr><td>Exhibit 4</td><td>Contractor Performance</td><td></td></tr><tr><td>Exhibit 5</td><td>Assessment Report</td><td>82</td></tr><tr><td>Exhibit 6</td><td>Solicitaion, Offer, and</td><td></td></tr><tr><td>Exhibit 7</td><td>Award</td><td>92</td></tr><tr><td>Exhibit 8</td><td>Invoice</td><td>159</td></tr><tr><td>Exhibit 9</td><td>Invoice</td><td>180</td></tr><tr><td></td><td>Invoice</td><td>187</td></tr><tr><td></td><td>Invoice</td><td>187</td></tr></table>	NO.	DESCRIPTION	PAGE	Exhibit 1	Email	34	Exhibit 2	Email	62	Exhibit 3	Email	76	Exhibit 4	Contractor Performance		Exhibit 5	Assessment Report	82	Exhibit 6	Solicitaion, Offer, and		Exhibit 7	Award	92	Exhibit 8	Invoice	159	Exhibit 9	Invoice	180		Invoice	187		Invoice	187	<div>1MS. MALLOY: Kailen Malloy from Latham &</div> <div>2Watkins, also on behalf on Omnicom and the witness.</div> <div>3MS. CLEMONS: Katherine Clemons, the</div> <div>4Department of Justice on behalf of the United States of</div> <div>5America.</div> <div>6MS. AGNEW: Isabel Agnew on behalf of</div> <div>7United States.</div> <div>8BO BRADBURY,</div> <div>9having been duly sworn, testified as follows:</div> <div>10EXAMINATION</div> <div>11Q. (BY MS. KAPLIN) Good morning, Mr. Bradbury.</div> <div>12A. Good morning.</div> <div>13Q. My name is Lauren Kaplin. I just introduced</div> <div>14myself. I'm here representing Google. Can you state</div> <div>15your full name again for the record?</div> <div>16A. Yes. Full name, Robert Easton Bradbury, III.</div> <div>17Bo is the nickname, so more manageable.</div> <div>18Q. Thank you.</div> <div>19And who's your current employer?</div> <div>20A. GSD&M.</div> <div>21Q. Okay. Your job title currently?</div> <div>22A. Senior vice president, managing director.</div> <div>23Q. Okay. And where do you live?</div> <div>24A. Austin, Texas.</div> <div>25Q. You're represented here by counsel today?</div>
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<p style="text-align: right;">Page 42</p> <p>1 MS. CLEMONS: Objection, form.</p> <p>2 THE WITNESS: It is. Yes.</p> <p>3 Q. (BY MS. KAPLIN) So, sorry. How is it</p> <p>4 purchased?</p> <p>5 A. Yes. The partnerships are negotiated directly</p> <p>6 with the respective entity.</p> <p>7 Q. Including purchasing display advertising on</p> <p>8 their website?</p> <p>9 A. Correct.</p> <p>10 Q. And then mobile tours, I think you already</p> <p>11 described a little bit earlier?</p> <p>12 A. Yes.</p> <p>13 Q. Next under the engage phase, would you</p> <p>14 describe -- we already -- you already talked about video</p> <p>15 and social. The next one is online display. Can you</p> <p>16 tell me what that includes?</p> <p>17 A. Certainly. Again, this would be more what you</p> <p>18 might want to consider your kind of traditional internet</p> <p>19 or web advertising of messaging, typically in a static</p> <p>20 form, which is then providing some call to action or a</p> <p>21 link through to a designated, typically a page or the</p> <p>22 home page, if you will, of airforce.com, Air National</p> <p>23 Guard, corresponding website, et cetera. So somewhere</p> <p>24 capturing interest. And then, if -- if we're doing a</p> <p>25 good job of intriguing the individual, they access that</p>	<p style="text-align: right;">Page 44</p> <p>1 overlap between some of these categories?</p> <p>2 MS. CLEMONS: Objection, form.</p> <p>3 THE WITNESS: Yes. Yes.</p> <p>4 Q. (BY MS. KAPLIN) Partnerships and mobile tours</p> <p>5 you already described. And then web and digital</p> <p>6 experiences, what's that?</p> <p>7 A. Yes. For the Air Force, we're very fortunate</p> <p>8 to obviously have a very robust digital presence via its</p> <p>9 own owned website. So airforce.com is kind of the key</p> <p>10 focal point for communications, engagement with</p> <p>11 audiences, influencers, prospects, et cetera. And</p> <p>12 within that perspective, we actually have interactive</p> <p>13 elements, whether that's kind of story-telling</p> <p>14 components on there, whether that is specific gaming</p> <p>15 executions that are developed. We have a gaming section</p> <p>16 on the site.</p> <p>17 So again, we're leveraging, again, those</p> <p>18 types of -- we're creating digital experiences. Those</p> <p>19 can be carried through on the -- on the website. You'll</p> <p>20 find some of those digital experiences also when</p> <p>21 increasingly, as we move to a very much of a mobile web</p> <p>22 environment, if we're creating something that someone</p> <p>23 can interact with on a desktop setting, we want that to</p> <p>24 be obviously accessible from a mobile setting and other</p> <p>25 places. We may also take those types of engagements</p>
<p style="text-align: right;">Page 43</p> <p>1 unit and then pursue more information at another</p> <p>2 destination.</p> <p>3 Q. And so that would include like banner ads?</p> <p>4 A. It would.</p> <p>5 Q. Does it include native ads?</p> <p>6 MS. CLEMONS: Objection, form.</p> <p>7 THE WITNESS: Yes.</p> <p>8 Q. (BY MS. KAPLIN) What about rich media ads?</p> <p>9 A. Display, I think technically you could -- we</p> <p>10 would probably consider that under really, video. But</p> <p>11 yes. I think as we look to deliver video, it's</p> <p>12 agnostic, whether that is in a digital sense or</p> <p>13 streaming sense. But certainly from a technical</p> <p>14 perspective, you could probably serve a rich unit or a</p> <p>15 video unit through display. Yes, ma'am.</p> <p>16 Q. Well, maybe I should have asked this question</p> <p>17 first. What does rich media mean to you?</p> <p>18 A. From my perspective, ma'am, I would say some</p> <p>19 element of -- of motion; whether that is animation,</p> <p>20 actual playing of video asset within a unit or maybe</p> <p>21 some interactive element, if there is essentially kind</p> <p>22 of, maybe, a gamification aspect within a display. Some</p> <p>23 level of -- in its crudest description -- motion</p> <p>24 interactivity.</p> <p>25 Q. So it sounds like there's a little bit of</p>	<p style="text-align: right;">Page 45</p> <p>1 that we create and bring them to a mobile tour as well.</p> <p>2 So imagine if Air Force has created a game</p> <p>3 on airforce.com, we can also -- you may see that game at</p> <p>4 a county fair, at a marketing footprint, allowing an</p> <p>5 audience to interact with it there.</p> <p>6 Q. So you raised an interesting point that I</p> <p>7 wanted to just circle back on. You said that, you know,</p> <p>8 you maybe want to be able to access it both on a mobile</p> <p>9 device and desktop device. Does that apply for video,</p> <p>10 social -- does that apply for the other categories as</p> <p>11 well?</p> <p>12 MS. CLEMONS: Objection, form.</p> <p>13 THE WITNESS: Yes, it does.</p> <p>14 Q. (BY MS. KAPLIN) So where would you -- if</p> <p>15 you -- for the category online display, where would you</p> <p>16 envision someone viewing those ads on web devices?</p> <p>17 MS. CLEMONS: Objection -- objection, form.</p> <p>18 THE WITNESS: It would be I think from --</p> <p>19 it's clearly both. And you will have consumption of the</p> <p>20 messaging, both in a desktop setting, but increasingly</p> <p>21 in a mobile setting. And that's consistent with, I</p> <p>22 think, overall digital penetration and how consumers'</p> <p>23 access to the web is changing to be very mobile-centric.</p> <p>24 Q. (BY MS. KAPLIN) And is that the same for video</p> <p>25 and social as well?</p>

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Page 214	Page 216
<p>1 ERRATA PAGE</p> <p>2 WITNESS NAME: BO BRADBURY DATE: 09/08/2023</p> <p>3 PAGE LINE CHANGE REASON</p> <p>4 _____</p> <p>5 _____</p> <p>6 _____</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 _____</p> <p>22 _____</p> <p>23 _____</p> <p>24 _____</p> <p>25 _____</p> <p>Job No. CS6091854</p>	<p>1 REPORTER'S CERTIFICATION</p> <p>2 DEPOSITION OF BO BRADBURY</p> <p>3 TAKEN SEPTEMBER 8, 2023</p> <p>4 I, Janalyn Elkins, Certified Shorthand</p> <p>5 Reporter in and for the State of Texas, hereby certify</p> <p>6 to the following:</p> <p>7 That the witness, BO BRADBURY, was duly sworn</p> <p>8 by the officer and that the transcript of the oral</p> <p>9 deposition is a true record of the testimony given by</p> <p>10 the witness;</p> <p>11 That the original deposition was delivered to</p> <p>12 LAUREN KAPLIN;</p> <p>13 That a copy of this certificate was served on</p> <p>14 all parties and/or the witness shown herein on</p> <p>15 _____.</p> <p>16 I further certify that pursuant to FRCP No.</p> <p>17 30(f)(i) that the signature of the deponent was</p> <p>18 requested by the deponent or a party before the</p> <p>19 completion of the deposition and that the signature is</p> <p>20 to be returned within 30 days from date of receipt of</p> <p>21 the transcript. If returned, the attached Changes and</p> <p>22 Signature Page contains any changes and the reasons</p> <p>23 therefor.</p> <p>24 I further certify that I am neither counsel</p> <p>25 for, related to, nor employed by any of the parties in</p> <p>the action in which this proceeding was taken, and</p>
<p>Page 215</p> <p>1 ACKNOWLEDGMENT OF DEPONENT</p> <p>2</p> <p>3 I, BO BRADBURY, do hereby certify that I have</p> <p>4 read the foregoing pages and that the same is a correct</p> <p>5 transcription of the answers given by me to the</p> <p>6 questions therein propounded, except for the corrections</p> <p>7 or changes in form or substance, if any, noted on the</p> <p>8 attached errata page.</p> <p>9</p> <p>10 _____</p> <p>11 BO BRADBURY DATE</p> <p>12</p> <p>13 THE STATE OF TEXAS)</p> <p>14)</p> <p>15 COUNTY OF _____)</p> <p>16</p> <p>17 Before me, _____, on this day</p> <p>18 personally appeared BO BRADBURY, known to me (or proved</p> <p>19 to me under oath or through</p> <p>20 (description of identity card or other document) to be</p> <p>21 the person whose name is subscribed to the foregoing</p> <p>22 instrument and acknowledged to me that they executed the</p> <p>23 same for the purposes and consideration therein</p> <p>24 expressed.</p> <p>25 Given under my hand and seal of office this</p> <p>_____ day of _____, _____.</p> <p>21</p> <p>22</p> <p>23 NOTARY PUBLIC IN AND FOR</p> <p>24 THE STATE OF</p> <p>25 Job No. CS6091854</p>	<p>Page 217</p> <p>1 further that I am not financially or otherwise</p> <p>2 interested in the outcome of the action.</p> <p>3 Certified to by me this 10th day of September</p> <p>4 2023.</p> <p>5</p> <p>6 </p> <p>7 JAINALYN ELKINS</p> <p>8 Texas CSR 3631</p> <p>9 Expiration Date 1/31/2025</p> <p>10 Veritext Legal Solutions</p> <p>11 300 Throckmorton Street, Suite 1600</p> <p>12 Fort Worth, Texas 76102</p> <p>13 Firm Registration No. 571</p> <p>14 PH: (817) 336-3042</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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